HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 7137 OF 2005

&

W.P.M.P.No:17246 of 2005.

Dated 26-09-2005

Between:

1. The Secretary to Government, Minorities Welfare department, Government of Andhra Pradesh, Secretariat, Hyderabad and others.

…….Petitioners.

And:

1 . M.A. Azeem son of Abdul Hasan, aged about 41 years, Occupation: Ex-vice Chairman & Managing Director, A.P. State Minorities Finance Corporation Ltd., 5th Floor, Haj House, Nampally, Hyderabad (Under orders of repatriation), resident of House No.9-4-134/5 5, Aruna Colony, Toli Chowki, Hyderabad-500008.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition is filed by the writ petitioners aggrieved by the order passed in O.A. No. 202 of 2002, on 23-03-2005 under which the Central Administrative Tribunal allowed the O.A. with the observations as mentioned therein.

The writ petitioners are the respondents whereas the respondent is the applicant before the Tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application in O.A.No.202 of 2005 seeking to declare the action of the 2nd respondent in issuing the G.O. Rt. No.1, Minorities Welfare (MFC) Department, dated 01-01-2005 repatriating him to his parent Department, i.e., Revenue Department as arbitrary and illegal and consequently, to direct the Government to retain him as the Vice Chairman and Managing Director of the A.P. State Minorities Finance Corporation Limited till he completed one year term as envisaged in his appointment orders dated 19-08-2004. The Tribunal having observed that repatriation on mere allegations can not be held that it is in the public interest and the power has been exercised with due application of mind and judiciously and though power is available with the Government, colourful exercise of power without application of mind and without looking into the matter judiciously is an act of arbitrariness and it amounts to violation of Article 14 of the Constitution of India, allowed the O.A. Having aggrieved by the same, the present writ petition is preferred by the applicant.

Heard the learned counsel and perused the order impugned and the entire material available on record.

While admitting the writ petition, this Court has granted status quo to be maintained as obtaining on that day, pending further orders. The applicant has filed an application in W.P.M.P.17246 of 2005 seeking to clarify the order dated 19.4.2005 passed in W.P.M.P.No:9497 of 2005 in W.P.No:7137 of 2005 to the effect that he is entitled to continue as Vice Chairman and Managing Director of A.P. State Minorities Finance Corporation Limited as he has assumed office on 27.1.2005.

It is contended by the learned senior counsel appearing on behalf of the applicant that in view of the order setting aside the G.O.Rt.No:1 Minorities Welfare (MFC) Department, the applicant is entitled to continue as Vice Chairman and Managing Director in question.

At this stage, it is brought to the notice of this Court that the applicant was already repatriated to his parent Department on 20.8.2005 and thereby, this writ petition has become infructuous.

In the present facts and circumstances of the case and in view of the above submission, without expressing any opinion on the merits of the case, this writ petition as well as W.P.M.P.No:17246 of 2005 are closed.

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Justice T. MEENA KUMARI

Date: 26th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 7137 OF 2005

&

W.P.M.P.No:17246 of 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 26-09-2005